



**Inland Wetland and Watercourses Regulations
of the
CITY OF STAMFORD**

ENVIRONMENTAL PROTECTION BOARD

Gary Stone, *Chairman*
Barbara Hicks, *Member*
Louis P. Levine, *Member*
William E. Morris, *Member*
Leigh Shemitz, *Member*
Peter Conetta, *Alternate*

***Approved by the Stamford Board of Representatives, April 6, 2010 pursuant
to Article V, Section 6-24 C. of the Stamford Code.***

Originally Adopted May 5, 1975 with subsequent amendments.

*June 30, 1974 – June 30, 2009
35 Years of Protecting Stamford's Environment and Quality of Life*

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**For information call: Stamford Environmental Protection Board
888 Washington Boulevard, Stamford, CT 06904
(203) 977-4028**

SECTION I - TITLE, AUTHORITY AND PURPOSE

- 1.1 These Regulations shall be known as the "Inland Wetlands and Watercourses Regulations of the Environmental Protection Board (EPB) of the City of Stamford."
- 1.2
 - a) The Environmental Protection Board (EPB) was established by Ordinance No. 286 Supplemental, effective June 30, 1974, and codified as Chapter 6 Article V et seq. of the Stamford Code. The EPB is authorized therein to exercise the powers and perform the duties of: 1) a municipal Inland Wetlands and Watercourses Agency pursuant to Chapter 440 of the Connecticut General Statutes, Sec. 22a-36 et seq as may be amended from time to time; 2) a municipal Flood and Erosion Control Board pursuant to Chapter 25 of the Connecticut General Statutes, Sec. 24-84 et seq as may be amended from time to time; and 3) a municipal Conservation Commission pursuant to Chapter 97 of the Connecticut General Statutes, Sec. 17-131(a) et seq as may be amended from time to time.
 - b) These regulations have been prepared by the Environmental Protection Board (EPB) pursuant to Chapter 440 of the Connecticut General Statutes, Sec. 22a-42 as amended.
- 1.3 It is the finding of the Environmental Protection Board that:
 - a) Inland Wetlands and Watercourses constitute an indispensable and irreplaceable natural resource. They are, along with ground water and adjoining lands, part of an interrelated web of nature essential to an adequate supply of clean and healthful surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of ground water; to the stability of streambanks and floodplains; to the aesthetic and recreational values of open spaces; and to the existence of many forms of animal, aquatic, and plant life.
 - b) It is therefore the purpose of these Regulations to protect the citizens of Stamford by providing an orderly process in which the rights of a landowner can be placed in balance with the need to protect crucial public resources. The conservation, preservation, protection, and maintenance of Stamford's remaining reservoir of wetland and water resources is in the public interest, for these resources are clearly essential to the health, welfare, and safety of its inhabitants and significantly contribute to the quality of life within the community.
 - c) In the furtherance of the foregoing goals the Environmental Protection Board hereby adopts a "no net loss policy for all wetlands and watercourses." In furtherance of the no net loss policy, the EPB may require wetland mitigation that may include Avoidance by evaluating alternative development designs and sites; Minimization by implementing special design features and construction practices so that impacts to wetlands can be minimized; and Compensation by offsetting remaining wetland losses through measures to, in the following order of priority, enhance and create productive wetland or watercourse resources either onsite or offsite.
- 1.4 Pursuant to the authority granted in 1.2, the Environmental Protection Board shall issue, issue with modifications, and deny permits for all regulated activities within the City.

SECTION II - DEFINITIONS

As used in these Regulations:

- 2.1 "Agency" means the Environmental Protection Board (EPB) of the City of Stamford. (The EPB)
- 2.2 "Agent" means one who acts for or as a representative of another.
- 2.3 "Best Management Practices" mean structures and procedures designed to minimize the impacts of development on wetlands and watercourses. Such management practices include, but are not limited to, erosion and sedimentation controls, restrictions on land use and development, construction setbacks from wetlands and watercourses, proper disposal of waste materials, procedures for equipment maintenance to prevent fuel spillage, construction methods to prevent flooding or disturbance of wetlands or watercourses, procedures for maintaining continuous stream flows, confining construction that must take place in watercourses to times when water flows are low and fish and wildlife will not be adversely affected.
- 2.4 "Board" means the Environmental Protection Board (EPB) of the City of Stamford.
- 2.5 "Board Members" means the five regular and three alternate members comprising the Environmental Protection Board.
- 2.6 "Bog" means a poorly drained acidic area containing an accumulation of organic material, and is characterized by an association of plants recognized as bog species as listed in the booklet, Inland Wetland Plants of Connecticut, William A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)
- 2.7 "City" means the City of Stamford, Connecticut.
- 2.8 "Clear Cutting" means the harvest of timber in a fashion that removes all trees of a size greater than a two-inch diameter at breast height (dbh).
- 2.9 "Commissioner" means the Commissioner of the Department of Environmental Protection of the State of Connecticut (DEP).
- 2.10 "Days" are calendar days, except as otherwise noted.
- 2.11 "Deposit" includes, but shall not be limited to: fill, grade, dump, place, discharge, or emit.
- 2.12 "Department" means the Department of Environmental Protection of the State of Connecticut (DEP).
- 2.13 "Discharge" means the emission of any water, substance, or material into watercourses or wetlands whether or not such water, substance, or material causes pollution.
- 2.14 "Disturbing the natural or indigenous character of the land" means any activity that disturbs or alters an inland wetland or watercourse by reason of depositing or removing of material, altering or obstructing water flow, changing the character of the vegetation through cutting or clearing, or causing pollution.

- 2.15 "Erosion" means the process of wearing away and removal of the earth's surface natural agents including weather, running water, waves, currents, ice, or wind.
- 2.16 "Farming" means the use of land for the growing of crops, raising of livestock, or other agricultural use and the associated activities necessary and indispensable to sustain agricultural uses on a farm.
- 2.17 "Feasible" means able to be construed or implemented consistent with sound engineering principles.
- 2.18 "Floodplain" means the area bordering a watercourse subject to flooding.
- 2.19 "Groundwater" means beneath the earth's surface between saturated soil and rock that supplies wells and springs.
- 2.20 "Leaching" means the action of a liquid percolating through some material and carrying with it the soluble constituents. (See Section 2.22 "Material")
- 2.21 "Marsh" means an area normally covered with shallow water, subject to seasonal variations, that contains an association of herbaceous, soft-stemmed plants recognized as marsh vegetation. Typical examples of marsh species are listed in the booklet, Inland Wetland Plants of Connecticut, William A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)
- 2.22 "Material" means any substance, solid or liquid, organic or inorganic, including but not limited to: soil, sediment, aggregate, gravel, clay, peat, muck, mud, sand, land, refuse, or waste.
- 2.23 "Official Map" means the designated Inland Wetlands and Watercourses map of the City of Stamford as may be amended by the Board, a copy of which is on file with the Town and City Clerk and at the offices of the Environmental Protection Board.
- 2.24 "Open Space" means undeveloped natural areas set aside for permanent conservation purposes.
- 2.25 "Permit" means the whole or any part of any license, certificate or approval or similar form of permission that may be required of any person by the provisions of these Regulations.
- 2.26 "Person" means any person, firm, partnership, association, corporation, company, organization or legal entity of any kind, including municipal corporations, government agencies or subdivisions thereof except state and federal agencies subject to DEP control.
- 2.27 "Pollution" means harmful thermal effect or the contamination or rendering unclean or impure of any regulated area by reason of any waste or other materials discharged or deposited therein by any public or private sewer or otherwise so as directly or indirectly to come into contact with any waters (See Section 2.30 "Regulated Area").
- 2.28 "Prudent" means economically and otherwise reasonable in light of the social benefits to be derived from the proposed regulated activity provided cost may be

considered in deciding what is prudent and further provided a mere showing of expense will not necessarily mean an alternative is imprudent.

- 2.29 "Regulated Activity" means any operation, activity, or use within or having an effect upon a regulated area involving removal or deposition of material, or any obstruction, construction, alteration, or pollution of any regulated area except as otherwise indicated in Section 3 of these Regulations.
- 2.30 "Regulated Area" means any geographical area of the City of Stamford consisting of:
- a) Inland wetlands or watercourses;
 - b) 100-year floodplains or Special Flood Hazard Areas determined in the Flood Insurance Study, City of Stamford, Connecticut, prepared by FEMA, Office of Federal Insurance and Hazard Mitigation including any update amendment or modification, and/or shown on the official Flood Insurance Rate Maps of the City of Stamford;
 - c) Open Space and/or conservation-easement areas as designated on Stamford land records;
 - d) Any geographical area where activity thereon may disturb the natural and indigenous character of wetlands, watercourses, floodplains, designated open spaces, and/or conservation-easement areas or impact the purity of groundwater supplies.
 - e) Also included is any geographical area designated as a "Setback" or "Upland Review Area" pursuant to Section 2.34 of these Regulations.
- 2.31 "Remove" includes, but shall not be limited to: drain, excavate, mine, dig, dredge, suck, bulldoze, dragline, or blast.
- 2.32 "Rendering unclean or impure" means any alteration of the physical, chemical, or biological properties leading to an adverse effect on any regulated area including but not limited to: change in color, odor, turbidity, taste, or capacity to sustain biological life.
- 2.33 "Resource" means any riparian waters of the state and associated fisheries and wildlife habitat and adjacent shorelands, both developed and undeveloped; any vegetation, fish and other wildlife; endangered and threatened species, species of special concern, and essential habitat as identified by the Commissioner pursuant to Chapter 495 of the General Statutes; scenic areas, forest lands; agricultural lands; and archaeological and other historical resources.
- 2.34 "Setback" or "Upland Review Area" is that area immediately adjoining wetlands and watercourses that may be necessary to provide protection from the adverse impacts of unregulated land uses. The minimum setback is 25 feet for lands not within a public water supply watershed, 50 feet for lands within public supply watersheds, and 100 feet from the edge of lakes, ponds and streams within public water supply watersheds.
- 2.35 "Significant Impact" means:
- a) Any activity involving the deposition or repositioning of material that will have a substantial adverse effect on any regulated area as defined in Section 2.30 or on identified resources within any regulated area, or on any other part of the inland wetland and watercourse system whether or not such activity takes place in a regulated area as defined in Section 2.30 of these regulations; or

- b) Any activity involving the removal of material that will have a substantial adverse effect on the regulated area as defined in Section 2.30 or on another part of the inland wetland and watercourse system; or
 - c) Any activity substantially changing the natural channel of a watercourse or the limits and/or form of an inland wetland whether or not such activity takes place in a regulated area as defined in Section 2.30 of these regulations; or
 - d) Any activity substantially diminishing the natural capacity of a watercourse or an inland wetland to support desirable biological life, sustain identified resources, prevent flooding, supply water, facilitate drainage, and provide recreation and open space whether or not such activity takes place in a regulated area as defined in Section 2.30 of these regulations; or
 - e) Any activity that results in degrading the surface or ground water, or an inland wetland or watercourse, such degradation to be measured according to the "Water Quality Standards" adopted by the Connecticut Department of Environmental Protection, February 1987, and any subsequent amendments thereto.
- 2.36 "Soil Scientist" means an individual duly qualified in accordance with standards set by the Office of Personnel Management (formerly the U.S. Civil Service Commission).
- 2.37 "Special Flood Hazard Area" means land in the floodplain subject to a one percent or greater chance of flooding in any one year (100 year Floodplain). Special Flood Hazard Areas are determined utilizing the base flood elevations as provided in the Flood Insurance Study for the City of Stamford and all amendments. Special Flood Hazard Areas include, but are not necessarily limited to the lands shown as Zones A, A1-30, AO, and AH on the City of Stamford's Flood Insurance Rate Map. Special Flood Hazard Areas also include any contiguous area where the land-surface elevation is lower than the base flood elevations shown in the Flood Insurance Study.
- 2.38 "Swamp" means an area with a water table at or near the surface of the ground throughout the year and containing vegetation dominated by an association of trees and/or shrubs recognized as swamp species. Typical examples of swamp species are listed in the booklet, Inland Wetland Plants of Connecticut, William A. Niering and R.H. Goodwin, Connecticut Arboretum for the Connecticut Department of Environmental Protection. (May 1973)
- 2.39 "The Act" means Section 22a - 36 to 45, inclusive, of the Connecticut General Statutes as amended.
- 2.40 "Watercourse" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water that are natural, artificial, vernal, or intermittent, public or private, that are contained within, flow through, or border upon the City of Stamford not regulated pursuant to Sections 22a-28 through 22a-35 inclusive, of the Connecticut General Statutes. Intermittent watercourse shall be delineated by a defined permanent channel and bank and the occurrence of at least two of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus; (b) the presence of standing or flowing water for a duration longer than a particular storm incident; and (c) the presence of hydrophytic vegetation.

- 2.41 "Water Dependent Use" means a use that, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and that therefore cannot be located upland. Such use may include recreational uses as riparian trails providing access for fishing and access for the launching of watercraft.
- 2.42 "Wetlands" means land, including submerged land, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes as amended, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time-to-time, of the Soil Conservation Service of the United States Department of Agriculture. Such areas may include filled, graded, or excavated sites that possess an aquic (saturated) soil-moisture regime as defined by the USDA Cooperative Soil Survey.

SECTION III - PERMITTED OPERATIONS AND USES

- 3.1 The following operations and uses shall be permitted in inland wetlands and watercourses as of right:
- a) Grazing, farming, nurseries, gardening, and harvesting of crops, and farm ponds of three acres or less; agricultural exemptions are limited to uses essential to farming operations, but are specifically not to include:
 - 1) erection of buildings not directly related to farming operations;
 - 2) relocation of watercourses with continual flow;
 - 3) filling or reclamation of wetlands or watercourses with continual flow;
 - 4) clear cutting of timber except for the expansion of agricultural crop land;
 - 5) mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale;
 - b) A residential home for which a building permit has been issued provided the permit has been issued before July 1, 1987.
 - c) Boat anchorage or mooring;
 - d) Uses incidental for the enjoyment and maintenance of residential property, such property defined as equal to or smaller than the largest minimum residential lot size permitted anywhere in the City. Such incidental uses shall include maintenance of existing structures and landscaping but shall not include removal or deposition of significant amounts of material from or onto a wetland or watercourse, significant cutting of trees or alteration of vegetation/habitat types resulting in a change to the indigenous character and functioning of the wetland or watercourse, or diversion or alteration of a watercourse.
 - e) Construction and operation by water companies as defined in Section 16-1 of the Connecticut General Statutes of by municipal water supply systems provided for in Chapter 102 of the Connecticut General Statutes, Sections 7-234 through 7-244 inclusive of dams, reservoirs and other facilities necessary to the impounding, storage and withdrawal of water in connection with public water supplies except as provided in Sections 22a-401 and 22a-403 of the Connecticut General Statutes as may be amended from time-to-time.
- 3.2 To carry out the purposes of Section 3.1, any person proposing a permitted operation and use shall, prior to commencement of such operation and use, notify the Board on a form provided by it, and provide the Board with sufficient information to enable it to properly determine that the proposed operation and use is a permitted use of a wetland or watercourse. The Board shall rule that the proposed operation and use or portion of it is a permitted operation and use or that the proposed operation and use is a regulated activity and a permit is required.
- 3.3 The following operations and uses shall be permitted, as non-regulated uses in wetlands and watercourses provided they do not disturb the natural and indigenous character or function of the wetland or watercourse by removal or

deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse:

- a) Conservation of soil, vegetation, water, fish, shellfish, and wildlife. Activities conducted by, or under the authority of, the Department of Environmental Protection or the United States Army Corps of Engineers for the purposes of wetland and watercourse restoration or enhancement or mosquito control.
- b) Outdoor recreation including play and sporting areas, golf courses, field trials, nature study, hiking, horseback riding, swimming, skin diving, camping, boating, water skiing, trapping, hunting, target shooting, fishing and shell fishing where otherwise legally permitted and regulated.

- 3.4 The Board or its designated Agent must issue a Letter of Permission before any activity listed in Section 3.3 above can be undertaken.

SECTION IV - PERMITTING OF REGULATED ACTIVITIES

- 4.1 Subject to the provisions of Section 3 hereof, no person shall henceforth after July 1, 1974 conduct a regulated activity in a regulated area of the City of Stamford without first obtaining a permit for such activity from the Board.
- 4.2 For the purposes of inland wetland and watercourses control the following activities shall be regulated solely by the Commissioner:
- a) Construction and modification of any dam, pursuant to Sections 22a - 410 of the General Statutes, as amended;
 - b) Construction or placement of any obstruction within channel encroachment lines, pursuant to Sections 22a - 342 through 22a - 349 of the General Statutes, as amended;
 - c) Construction or placement of any structures or obstruction within tidal, coastal, and navigable waters, pursuant to Sections 22a - 359 through 22a - 363 or in designated tidal wetlands pursuant to Sections 22a - 28 through 22a - 35 of the General Statutes, as amended;
 - d) Diversion of water in excess of 50,000 gallons per day or any surface waters of the state where the tributary watershed area above the point of diversion is 100 acres or larger pursuant to Section 22a - 365 through 22a - 378 of the General Statutes, as amended;
 - e) Discharges into waters of the State, pursuant to Section 22a - 430 of the General Statutes, as amended;
 - f) All regulated activities undertaken by any department, agency, or instrumentality of the State of Connecticut, except any local or regional board of education. Any permit granted or denied by the Commissioner shall be binding upon the local Board as to matters within the Commissioner's jurisdiction.
- 4.3
- a) The Board shall establish, amend, or change area boundary maps in accordance with the procedures of the Act (CGS Section 22a -42a) and Ordinance No. 286 supplemental of the Code of Ordinances of the City of Stamford. Such maps shall be on file in the offices of the Town and City Clerk and of the Board and shall be titled "Official Inland Wetlands and Watercourses Map of the City of Stamford". Said map shall be in such form and scale as the Board may prescribe and shall be used solely for inventory purposes and for determining the locations of properties for which applications are filed pursuant to these regulations.
 - b) The location of the inland wetland area boundary shall be verified by a field observation by the Board or its designated Agent.
- 4.4 Any person who disputes the designation of any part of his land as a regulated area may apply for an exemption from these regulations.
- a) To challenge the classification of all or any part of his portion of land as an inland wetland or watercourse, the applicant may submit a report by a soil

scientist that the subject parcel or a part of it does not have a soil type classified by the National Cooperative Soils Survey as poorly drained, very poorly drained, alluvial, or flood plain.

- b) To challenge the classification of any portion or all of a regulated swamp, bog, or marsh, the applicant must present expert testimony in the form of documentation by a professional biologist or ecologist, competent in plant identification, wetland ecology and classification systems, that the area in question is not defined by botanical species as a swamp, bog or marsh.
- c) The Board may require other proof of exemption from these regulations as it deems necessary to make a determination and may request and consider information from any other governmental agency relevant to said request for exemption. The Board shall grant or deny said exemption within the time limit in these regulations for the Board to act upon the application and shall notify the applicant of its action in the same manner as provided herein for notification of the Board's action upon appropriate applications.
- d) To challenge classification as floodplain an applicant must present expert testimony in the form of documentation by a professional hydrological engineer licensed in the State of Connecticut that the property is not subject to inundation by the 100 year flood, with all such documentation to be reviewed and confirmed in writing by the Conn. DEP.

4.5 Emergencies: Article 1 of this section shall not apply to work in a regulated area which is immediately necessary to protect the health, safety and well being of any person or to prevent imminent damage to personal or real property as determined by an official of federal, state, county or city governments, provided the Board is given immediate verbal notification and written notification within 48 hours after commencement of the work and within 48 hours of the completion of the work. Such emergency work shall be performed so as to cause the least change, modification, disturbance or damage to the regulated area. Every reasonable effort, as determined by the Board, shall be made to restore the regulated area to its original, natural condition by the person(s) or agency conducting such necessary emergency work.

SECTION V - APPLICATION PROCEDURE

- 5.1 Prior to the submission of any application hereunder, the applicant or his agent should consult with Board staff for the purpose of seeking advice and guidance with respect to the proposed regulated activity and requirements of the application.
- 5.2 Any person intending to carry out a regulated activity shall submit an application to the Board.
- a) Applications must be submitted to the staff at least three (3) days prior to the regularly scheduled meeting in order to be included on the meeting agenda. The date of receipt of any application shall be the next regularly scheduled meeting of the Board immediately following the date of submission, provided such meeting is no earlier than three (3) business days (excluding the day of the scheduled meeting) after receipt, or 35 days after submission, whichever is sooner.
 - b) No application shall be deemed complete for Acceptance unless it shall be in such form and contain such information as the Board deems necessary for a fair determination of the issues. The Board shall inform all applicants of such necessary information without delay. The Board shall inform all applicants in writing when the application is Accepted.
 - c) All information required by the Board shall be furnished in sufficient copies to permit the Board to carry out its duties under these regulations. In no case will fewer than twelve (12) copies be accepted for a final review of an application proposal.
 - d) All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant or any of his agents to provide correct information or performance exceeding the levels of anticipated activity shall be sufficient grounds for the revocation of any permit issued under these regulations and/or for penalties to be imposed in accordance with Section 10.5.
- 5.3 Any person submitting an application to the Board shall give written notification to abutting property owners of the nature of the application at least three (3) days prior to the regularly scheduled meeting. A Certificate of Mailing and a copy of the letter must be submitted with the application in order for the application to be deemed complete for Acceptance.
- a) In the case of an inland wetland, such notification shall be sent by the applicant to all property owners within 250 feet of the boundaries of the applicant's parcel containing the inland wetland area.
 - b) In the case of applications for activities within or affecting the channel or banks of watercourses, additional notification shall be sent by the applicant to all property owners on both sides of the watercourse, within 500 feet of the applicant's parcel.
 - c) Evidence of mailing such notice shall be in the form of United States Postal Certificates of Mailing.

- d) The applicant shall give written notice, certified mail, return receipt requested, to the adjacent municipal wetland agency on the same day of filing an inland wetland application to conduct an activity in a wetland or watercourse any portion of which is located within 500 feet of the boundary of such adjacent municipality.
- e) The applicant shall give written notice, certified mail, return receipt requested, to the Commissioner of the Connecticut Department of Public Health on the same day of filing an inland wetland application to conduct an activity in a wetland or watercourse any portion of which is located within a public drinking water supply watershed.

5.4 All applications shall include as a minimum the following information in writing and shall be on a form provided by the Board and available from the Office of the Town and City Clerk and the EPB:

- a) The applicant's name, home and business address, and telephone numbers.
- b) The owner's name (if applicant is not the owner of the property), home and business addresses, telephone numbers, and written consent to the proposed activity set forth in the application.
- c) Applicant's interest in the land.
- d) The geographical location of the property which is to be affected by the proposed activity, including a description of the land in sufficient detail to allow identification of the properties on the Official Map.
- e) Purposes and description of the proposed activity.
- f) Names and addresses of adjacent property owners.
- g) Soil survey of property prepared by a Soils Scientist.
- h) Boundaries of regulated areas including 100 year flood hazard zone where applicable on maps, and calculation of area of wetlands on the property and area of wetlands to be impacted.
- i) Legal description of property from the City of Stamford land records.
- j) Site Development Proposal - a drawing of the proposed use and the property that will be affected. Such proposal shall include a site plan depicting existing conditions prepared by a licensed surveyor, and shall show all proposed activities. The site development proposal shall be drawn at a scale to be determined by the Board but not less than 200 feet to 1 inch. Detailed information to be included shall be requested by the Board according to its evaluation requirements, and may include some or all of the specific items listed in Section 5.5 of the Regulations.

5.5 After initial review of the application, and based on the nature of the anticipated impacts of the proposed activities on regulated areas as defined in Section 2.30 of these regulations, the Board may request additional information that is necessary to the comprehensive and fair evaluation of the application. Requests for such additional information shall not stay the time limitations as set forth in Section 6 of these Regulations. Incomplete applications may be denied.

Such information, to be prepared by qualified professionals in the relevant field of expertise, may include but is not limited to the following:

a) Site Development Proposal - a drawing of the proposed use and the property that will be affected. Such proposal shall include a site plan depicting existing conditions prepared by a licensed surveyor, and shall show all proposed activities as designed and depicted by a professional engineer, architect or landscape architect registered in the State of Connecticut, or an adjoining state provided a substantial portion of the parcel is in said adjoining state. The site development proposal shall be drawn at a scale to be determined by the Board but not less than 200 feet to 1 inch and shall include:

- I. Property lines of the real property to be affected, the owners of record of that property and of adjoining properties and existing structures.
- II. Areas of proposed changes in use or activity.
- III. Locations on or near the affected property of wetlands or watercourses.
- IV. Locations of all boring and soil samples data obtained by a soil scientist.
- V. Existing and proposed elevations by contour lines at vertical intervals as required by the Board.
- VI. All existing and proposed drainage structures such as culverts, catch basins, drainage ditches, and dams, including complete computations used in arriving at the drainage design.
- VII. Locations of all existing and proposed waste treatment facilities.
- VIII. Areas where material will be deposited, repositioned or removed.
- IX. Location of all existing and proposed construction within a watercourse.
- X. Significant vegetation.
- XI. Proposed grading of any earth movement anticipated, by vertical contours as required by the Board.
- XII. Existing flood encroachment lines, if any.
- XIII. Location of existing and proposed underground tanks.
- XIV. Management practices and mitigation measures that may be considered as a condition of issuing a permit for the proposed regulated activity including, but not limited to, measures to prevent or minimize pollution or other environmental damage; measures that maintain or enhance existing environmental quality; and measures that restore, enhance, or create productive wetland or watercourse resources.

- b) A soil sample report prepared and certified by a soil scientist indicating the soil type and location of inland wetlands and watercourses keyed to the soil sample locations shown on any map submitted. Soil types shall be identified within the categories established by the National Cooperative Soils Survey of the U.S. Soil Conservation Service.
- c) A biological evaluation of any marsh, swamp, or bog on the affected property indicating:
 - I. Dominant botanical species, rare species and forest age classes of vegetation.
 - II. Habitat value of the affected property for wildlife species.
 - III. Depth of water table below surface or level of water if inundated.
 - IV. The date or dates of field inspection done.
- d) Analysis of Material to be deposited or removed. The applicant may be required to describe any materials to be deposited on or removed from the affected property, in terms of volume, composition (biological and/or chemical analysis) and the possibility of erosion or leaching as a consequence of said deposit or removal; precise chemical composition of any toxic materials, whether enclosed in containers, and type of container, if any; an explanation of how material will be protected from erosion and leaching; the source, if material is to be deposited, and site of disposition, if material is to be removed.
- e) Structures - The applicant shall provide a description of the proposed construction or the erection of structures on the affected property, including layouts, engineering and architectural plans or designs. Such description shall include the purposes of such construction or activity. The Environmental Protection Board shall be guided by advice from the Zoning Enforcement Officer and the requirement of a Zoning Permit, in determining if an activity constitutes a structure.
- f) Property Owners Affected - List of abutting property owners and other person whose rights or interests may or will be affected by the proposed activity. For the purposes of this section the list shall include all property owners receiving notification as provided in Section 5.3 of these regulations.
- g) Watercourse Characteristics - If the proposed activity may affect a watercourse lying within, partly with, or flowing through or adjacent to the affected property, the applicant may be required to submit information relative to the present character and the projected impact of the proposed activity upon the watercourse, including but not limited to:
 - I. pH of alkalinity/acidity level.
 - II. Turbidity or solids in parts per million.
 - III. Bacteria count in total and fecal coliforms per milliliter.
 - IV. Tests for other biochemical constituents, as specified by the Board.
 - V. Flow (if any) in cubic feet per second.
 - VI. Dates of field determination of these data.
 - VII. Estimate of change in (a) through (d) resulting from proposed activity or use.

- 5.6 Publication of all applications and decisions - Within fifteen (15) days of acceptance of all applications submitted, the Board shall publish a listing with sufficient detail to reflect the property affected and the nature of the application so that residents of the City, abutting property owners or others with concerned interest in the application can provide signed, written information relevant to the application(s) for the consideration of the Board. The Board shall publicize within fifteen (15) days of its ruling, its decision on each application.
- 5.7 Except as provided in Section 6.2 of these regulations any applicant may withdraw his application at any time prior to the Board's final action thereupon for good cause stated in writing to the Board. Any filing fee paid by the applicant pursuant to these regulations shall not be refunded to the applicant.
- 5.8 Any application filed with the Board shall be judged according to the regulations in force on the date of filing.
- 5.9 Notice to Adjoining Municipalities and Other Agencies.
- a) The Board shall, in accordance with PA 87-307, notify the clerk of any adjoining municipality of the pendency of any application to conduct a regulated activity when:
- I. Any portion of the property on which the regulated activity is proposed is located within 500 feet of the boundary of an adjoining municipality;
 - II. A significant portion of the traffic to the completed project on the site will use streets within the adjoining municipality to enter or exit the site'
 - III. A significant portion of the sewer or water drainage from the project site will flow through and significantly impact the sewage or drainage system within the adjoining municipality; or,
 - IV. Water run-off from the improved site will impact streets or other municipal or private property within the adjoining municipality.

Notice of the pendency of such application shall be made by Certified Mail , return receipt requested, and shall be mailed within seven (7) days of the date of receipt of the application.

- b) The Board may, at its discretion, submit one (1) copy of every complete application to the following agencies or commissions for review upon formal acceptance by the Board. Failure to receive a written review shall not delay the hearing or prejudice the decision.
- I. The Planning Board and Zoning Boards of the city through the Planning/Zoning Director.
 - II. The commissioner of Public Works, City Engineer and Building Inspector of the City.
 - III. The City Health Director.
 - IV. The Fairfield County Soil and Water Conservation District.

V. The Tax Assessor of the City.

VI. Zoning Board of Appeals of the City.

VII. The Department of Environmental Protection.

VIII. U.S. Army Corps of Engineers.

5.10 Fees

- a) Each applicant shall pay a base application fee of \$200.00. In addition to the base application fee, the following fees apply:

New detached single family and two family buildings - \$300.00/building.

New multi-family buildings (three or more units) - \$150.00/1000 square feet of building area.

New commercial buildings - \$150.00/1,000 square feet of building area.

Subdivisions - \$150.00/lot.

In addition to the above fees, a fee equal to application fee shall be required for all requests for permit modifications; a hearing-cost fee of \$750.00 per session shall be required for those applications where a public hearing is held; and a fee of \$200.00 shall be required for all applications for Site Plan Review.

- b) Active Permits (approved and issued) require an Annual Compliance Fee equal to the application fee but not to exceed \$2,000.00. The Board may waive the compliance fee for projects, which at its discretion, do not involve a significant degree of follow-up compliance inspection.

Other Fees are:	Issuance of Regulations	\$ 1.00
	Issuance of Maps	\$10.00
	State Land Use Fee (P.A. 92-235; amended)	\$60.00

The above fees may be amended procedurally by the Board to be set at a sum reasonably necessary to cover costs.

The Board may waive requirement of fees for governmental departments or agencies.

The applicant is responsible for the publication costs of all required legal notices.

A fee equal to twice (2X) the application fee shall be required for all permit applications submitted as a consequence of a violation or other enforcement action. (Resolution January 18, 1996 and publication January 24, 1996)

SECTION VI - RULINGS

- 6.1 If the Board finds that a proposed activity is a regulated activity not involving significant impact or major effect on the inland wetland or watercourse as defined in Section 2.35 of these regulations, it may allow the activity with or without conditions after initial review and publication. In order to grant a permit at this stage, the Board after full review of all pertinent factors shall state upon the record its reasons for granting the permit with or without conditions. Such decision shall be publicized in the usual manner.
- 6.2 Public Hearings – The Board shall not hold a public hearing on any application unless the Agency determines that the proposed activity may have a significant impact on wetlands and watercourses, a petition signed by at least twenty-five (25) persons who are eighteen (18) years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the Board not later than fourteen (14) days after the receipt of such application, or the Board finds that a public hearing regarding such application would be in the public interest. The Board may issue a permit without a public hearing provided no petition provided for in this subsection is filed with the Board on or before the fourteenth (14th) day after the receipt of the application.
- a) The applicant shall be notified of the Board's decision to hold a public hearing within five (5) days following the decision.
 - b) All public hearings shall commence no later than sixty-five (65) days after receipt of a complete application.
 - c) Notice of the hearing shall be published by the Board, at least twice, at three (3) day intervals. The first notification shall be published not more than fifteen (15) days and not fewer than ten (10) days before the date set for the hearing, and the last notification shall be published not less than three (3) days before the date set for the hearing, in a daily newspaper having a general circulation in the City.
 - d) No application may be withdrawn after the date for public hearing has been published without written approval from the Board for such withdrawal. Any subsequent application for the parcel of land involved may not be re-submitted for ninety (90) days.
 - e) All applications, maps and documents relating to this hearing shall be open for public inspection in the offices of the Board.
 - f) The Board shall notify the applicant and the DEP of the hearing. It shall be the responsibility of the applicant to notify adjacent and known interested or affected property owners and parties no later than fifteen (15) days prior to the date of the hearing. For the purposes of this section, the list of property owners shall include all property owners receiving notification as provided in Section 5.3 of these regulations. Evidence of mailing such notice shall be in the form of United States Postal Certificates of Mailing.
 - g) Where possible, public hearings shall be completed in a single session. However, the hearing may be continued (to a date certain) where necessary for the full development of the evidence or for the full and adequate participation of

the parties, or for such other substantial purposes. The hearing shall be completed within forty-five (45) days of its commencement.

- h) Action shall be taken on applications within thirty-five (35) days after completion of a public hearing.

6.3 Extensions – The applicant may consent to one or more extensions of the periods specified in this Section both for the holding of the hearing and for action on the application, provided the total extension(s) of all such periods shall not be for longer than sixty-five (65) days, or may withdraw the application. The failure of the Board to act within any time period specified in this Section, or any extension thereof, shall not be deemed to constitute an approval of the application. An application deemed incomplete by the Board shall be withdrawn by the applicant or denied by the Board.

SECTION VII - THE PERMIT

- 7.1 The Board shall state upon the record the reasons for at the time of granting a permit, granting a permit with limitations, granting an extension of time on an existing permit, or denying a permit.
- 7.2 The Board may deny a permit with or without prejudice. If a permit is denied with prejudice, the application shall not be re-submitted for a period of one (1) year following the date of the denial. If a permit is denied without prejudice, the applicant may modify, amend, or correct his proposal.
- 7.3 If a permit is granted with conditions or limitations, and the applicant disputes such conditions or limitations, he may amend, modify, or correct his proposal. Rejection of a modified, amended, or corrected proposal shall be equivalent to the denial of an application for the purposes of Section VIII of these regulations.
- 7.4 In addition to specific conditions of approval imposed by the Board as part of its permit decision, the following general provisions shall apply:
- a) Permits shall be issued in the name of the owner or owners of record and shall not be transferable except as expressly approved in writing by the Board or its designated Agent.
 - b) Permits shall be filed on the Stamford Land Records at the expense of the applicant upon issuance by the Board.
 - c) No activity for which a permit or license has been issued pursuant to these regulations shall be conducted upon the subject parcel prior to the effective date or after the expiration of the permit. Any permit issued by the Board, but under which authorized activity is not substantially completed within three (3) years from the date of issuance of such permit, shall expire by limitation. Notwithstanding the forgoing period, the Board, where it deems necessary, may extend the limitation for additional periods of one (1) year intervals.
 - d) An extension of time for intervals of one (1) year may be granted by the Board upon petition of the permittee if the Board determines that circumstances so warrant. Any such extensions shall be requested, in writing, not later than thirty-five (35) days prior to expiration. The Board may, on its own motion, hold a public hearing upon any request for an extension of time.
- 7.5 The Board must consider the following in making its final decision on all permit applications:
- a) All evidence offered at any public hearing on the character and extent of the proposed activity, on the land involved, and on possible effects of the activity on the subject parcel and on surrounding area;
 - b) Any reports from other local, state or federal agencies;
 - c) Additional requested information;
 - d) All relevant facts and circumstances, including but not limited to the following:

- I. The environmental impact of the proposed action, including effects of the activity on the inland wetland's and/or watercourse's natural capacity to support desirable biological life, to prevent flooding and erosion, to supply water, to control sediment, to facilitate drainage, and to promote public health and safety.
 - II. (a) The alternatives to the proposed action including a consideration of those which might enhance environmental quality or have a less detrimental effect, and which could feasibly attain the basic objectives of the activity. This should include but is not limited to the alternative of taking no action, or postponing action pending further study or the alternative of requiring actions of different nature to provide similar benefits with different environmental impacts, such as using a different location for the activity.

(b) In the case of an application which received a public hearing a permit shall not be issued unless the Board finds that a feasible and prudent alternative does not exist. In making its finding, the Board shall consider the facts and circumstances set forth in subsection (I) above. The finding and the reasons therefore shall be stated on the record.
 - III. The relationship between the short-term uses of the environment and the maintenance and enhancement of long-term productivity, including consideration of the extent to which the proposed activity involves trade-offs between short-term environmental gains at the expense of long-term losses, or vice versa, and considerations of the extent to which the proposed action foreclosed future options.
 - IV. Irreversible and irretrievable commitments of resources which would be involved in the proposed activity. This requires recognition that the inland wetlands and watercourses of the State of Connecticut are an indispensable and irreplaceable but fragile natural resource, and that these areas may be irreversibly destroyed by deposition, filling, and removal of material, by the diversion or obstruction of water flow, by the erection of structures and by other uses.
 - V. The character and degree of injury to, or interference with, safety, health, or the reasonable use of property which would be caused or threatened. This includes recognition of potential damage from erosion, turbidity, or siltation, loss of fish and other beneficial aquatic organisms, wildlife and vegetation; the dangers of flooding and pollution; and destruction of the economic, aesthetic, recreational and other public and private uses and values of wetlands and watercourses.
 - VI. The suitability of such action to the area for which it is proposed.
 - VII. Measures which could mitigate the impact of the proposed activity and may be imposed as conditions of the permit. Such measures include the availability of further technical improvements of safeguards added to the plan to avoid a reduction in the natural function of the inland wetland or watercourse.
- e) The Board shall base its decision on the hearing record. Material not in the hearing record shall not be considered.

7.6 In the event that the Board does not schedule a public hearing the Board shall render a final decision within sixty-five (65) days from the date of Acceptance of the application.

7.7 Notifications of Decisions

- a) The Board shall notify the applicant and any named parties to the proceeding of its decision within fifteen (15) days of the date of the decision by certified mail.
- b) The Board shall cause notice of its orders in issuance or denial of a permit to be published in a newspaper having a general circulation in the City within fifteen (15) days of the date of the decision.
- c) All applicants when receiving notification of a decision shall also receive information concerning the appeals procedure pursuant to Section 8.1.
- d) On forms provided and within time limits prescribed by the Department of Environmental Protection, the Board shall report the following actions to the Commissioner:
 - I. Permits issues
 - II. Permits denied
 - III. Enforcement notices and orders
 - IV. Map amendments
 - V. Jurisdictional rulings

SECTION VIII - APPEAL

- 8.1 Any person aggrieved by any regulation, order, decision, or action of the Board pursuant to these regulations may appeal to the Superior Court within fifteen (15) days after publication of such regulation, order, decision, or action. All appeals shall follow the procedure outlined in Section 22A-43 of the General Statutes, as amended.
- a) The commissioner may appeal within fifteen (15) days after publication of such regulation, order, decision, or action.
 - b) Any person owning or occupying land which abuts any portion of land involved in the decision may appeal within fifteen (15) days after publication of such regulation, order, decision, or action.
 - c) Any person owning or occupying land within a radius of ninety feet of the wetland or watercourse involved in any regulation, order, decision or action made pursuant to these regulations may appeal within fifteen (15) days after publication of such regulation, order, decision, or action.
 - d) Notice of such appeal shall be served upon the Board and upon the Commissioner of Environmental Protection.

SECTION IX - OTHER PERMITS AND LICENSES

- 9.1 Nothing in these regulations shall obviate any requirement for the applicant to obtain any assent, permit, license, OR authorization required by law or regulation of the Government of the United States, the State of Connecticut or any political subdivision thereof. The obtaining of such assents, permits, licenses or authorizations shall be the sole responsibility of the applicant.
- 9.2 If the activity authorized by the Inland Wetland Permit also involves an activity or project which requires Zoning or Subdivision approval, Special Permit, Variance or Special Exception, no work pursuant to the Wetland Permit may begin until such approval is obtained.

SECTION X - ENFORCEMENT

- 10.1 Any person who commits, takes part in, or assists in any violation of any provision of this act, including regulations promulgated by the Commissioner and ordinances and regulations promulgated by municipalities or districts pursuant to the grant of authority herein contained, shall be fined not more than one thousand dollars (\$1,000) for each offense. Each violation of this act shall be a separate and distinct offense, and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

The superior court, in an action brought by the Commissioner, municipality, district or any person, shall have jurisdiction to restrain a continuing violation of this act and to issue orders directing that the violation be corrected or removed.

All costs, fees and expenses in connection with such action shall be assessed as damages against the violator together with reasonable attorney's fees which may be allowed, all of which shall be awarded to the commissioner, municipality, district or person which brought such action.

- 10.2 Application for a permit shall constitute permission for, and consent to, Board inspections of the site of proposed activity at any reasonable time before or after the granting of a permit. The owner, applicant or their agent shall have the license or permit readily available and posted conspicuously on the property as with a building permit and shall produce it for inspection upon request.
- 10.3 The Board shall be authorized to seek such necessary court orders as will permit it to inspect land whereon the Board has probable cause to believe that a regulated activity involving an inland wetland or watercourse is in progress, and for which no application has been filed.
- 10.4 In the performance of its duties under the Inland Wetland and Watercourses Act, the Board may, by itself or its designated agent, enter at all reasonable times upon any public or private property except a private residence for the purpose of inspection and investigation to ascertain possible violations of these regulations. The Executive Director is the legally designated agent of the Board for the purpose of issuing written orders, permits, permit extensions and transfers.
- 10.5 Any person who commits, takes part in, or assists in any violation of any provision of these regulations shall be subject to the penalties provided in Section 22a-44(b) of the Connecticut General Statutes, as amended, and to such other penalties as the law may provide.
- 10.6 **Enforcement of The Regulations**

- a) Notwithstanding any other provision, if the Board finds that any person is conducting or maintaining any activity, facility or condition which is in violation of Sections 22a-36 to 22a-45, inclusive, as amended, or of the regulations of the Board, the Board may issue a written order by certified mail, to such person maintaining such facility or condition. Within ten (10) days of the issuance of such order the Board shall hold a hearing to provide the person an opportunity to be heard and show cause why the order should not remain in effect. The Board shall consider the facts presented at the hearing within ten (10) days of the completion of the hearing notify the person by certified mail that the original order remains effect, that a revised order is in effect, or that the order has been

withdrawn. The original order shall be effective upon issuance and shall remain in effect until the Board affirms, revises or withdraws the order. The issuance of an order pursuant to this section shall not delay or bar any other action available at law.

- b) If the Board determines that any person is engaging in any regulated activity without a proper permit or is exceeding the scope, conditions or limitations placed on a permit or the scope of work as set forth in the application or has obtained a permit based on fraud, deception, misrepresentation or inaccurate information which is material, or has engaged or is engaging in any other activity or conduct which constitutes a violation of these regulations, City ordinances or the Act, the Board may:
1. Suspend or revoke any permit if it finds after giving notice to the permittee of facts or conduct which warrant such suspension or revocation and after a hearing at which the permittee is given an opportunity to show compliance with the requirements for retention of the permit, that the permittee had not complied with the conditions or limitations set forth in the permit or has exceeded the scope of the work as set forth in the application.
 2. Notify the Corporation Counsel to bring any action for the enforcement of the Act, the ordinances of the City of Stamford relative hereto and these regulations pursuant to Section 22a-44(b) or any other remedies available.
 3. The Board shall issue notice of facts or conduct which may warrant suspension or revocation of any permit or to bring any action as above provided, such notice shall be issued to the public in the manner provided for notice of a public hearing pursuant to Section 6.4 of these regulations, thereafter the Board may take any action in accordance with these regulations.

10.6 At all hearings pursuant to this Section, all parties may, subject to the ruling of the Board, cross-examine witnesses; introduce records, papers, documents, or other evidence into the record; and submit oral arguments and file briefs for the purpose of showing compliance with requirements for retention of a permit.

10.7 Notifications of Decisions

- a) Applicants shall be notified of the Board's decisions by certified mail within fifteen (15) days of the date of such decisions.
- b) Notification of decisions, cease and desist orders, suspensions or revocations shall be published in a newspaper having a general circulation in the city, within fifteen (15) days of its decision.

SECTION XI - BOND AND INSURANCE

- 11.1 The applicant, upon approval of the permit and at the discretion of the Board, shall be required to file a performance bond or other form of surety acceptable to the Corporation Counsel in an amount and with sureties and in a form approved by the Board. The requirement for surety bond may be waived by the Board at its discretion.
- 11.2 The Bond and sureties shall be conditioned on compliance with all provisions of these regulations and conditions imposed on permit approval, and shall be in a form satisfactory to the Corporation Counsel and in amount not less than the City Engineer estimates the permitted work will cost.
- 11.3 The applicant may be required to certify that he has public insurance against liability which may result from the proposed operation or use covering any and all damages which might occur within three (3) years of completion of such projected operation. The City shall be named as a co-insured party. In the event that the activity involves significant impact or major effect the Board shall require such bond.
- 11.4 No work shall be performed under the permit until such bond or insurance is provided.

SECTION XII - CONFLICT, SEVERANCE AND LEGAL CONSTRUCTION

- 12.1 Where there is a conflict between the provisions of these regulations and those of any other federal, state or local act, charter provision, ordinance, or regulations, the provisions which impose the greatest restriction on use shall govern.
- 12.2 The invalidity of any word, clause, sentence, section, part or provision of these Regulations shall not affect the validity of any other part which can be given effect without such invalid part of parts.
- 12.3 These Regulations and portions thereof are intended as conjunctive in their construction, unless otherwise specifically provided.

SECTION XIII- CONFORMITY WITH STATE REGULATIONS

- 13.1 All decisions, including decisions, enforcement activities undertaken by the City and all appeals which pertain to the wetlands and watercourses of the State shall be reported, on a form supplied by the Commissioner, to the Commissioner.

SECTION XIV - INVENTORY OF REGULATED AREAS

- 14.1 Regulated Areas as defined in the Act shall be shown on the Official Inland Wetlands and Watercourses Map. It is understood that all regulated areas are not shown. The Board and any applicant may use such map as a guide in determining whether the applicant's property is a regulated area. The Board shall rely specifically upon the definitions contained in Section 2 of these Regulations in determining whether or not an applicant's property contains Regulated Areas.
- 14.2 The Board and/or its designated agent shall monitor and maintain general surveillance of the regulated areas within the City to ensure that no unauthorized regulated activities occur.
- 14.3 The Board shall continually inventory inland wetlands and watercourses and update the official map delineating said wetlands and watercourses to be regulated. Information presented as part of any application may be used by the Board in establishing wetland boundaries for individual properties, and such information will be kept on file and made available upon request.

SECTION XV - AMENDMENTS

- 15.1 These Regulations and the Inland Wetland and Watercourses Map of the City of Stamford may be amended, change or repealed by majority vote of the Board after the procedure outlined for the establishment of regulations and boundaries pursuant to Section 22a - 42a of the General Statutes, as amended.
- 15.2 No amendments or changes to these regulations or to the boundaries of regulated areas shall become effective until after a public hearing is held by the Board at which parties in interest and citizens shall have an opportunity to be heard.
- 15.3 All petitions requesting a change in the Regulations or boundaries of regulated areas shall be submitted in writing on a form provided by the Board, and available at the offices of the Town and City Clerk and the Board.
- a) Such petition shall be considered at a public hearing in the manner prescribed in the Act for the establishment of regulations and boundaries. Such public hearing shall be held within ninety (90) days after receipt of said petition, and the petitioner shall be notified of the time and place of the scheduled hearing by certified mail no fewer than ten (10) days prior to the hearing. The Board shall act upon the changes requested within sixty (60) days after the hearing.
 - b) The petitioner may consent to extension of the periods provided in this section for holding hearings and for adoption or denial of the requested change, or may withdraw the petition. The Board may require a filing fee of Fifty (\$250.00) dollars to defray the cost of publishing notices required herein.

SECTION XVI - EFFECTIVE DATE

- 16.1 These regulations and any amendments thereto shall become effective upon filing in the Office of the Town and City Clerk and publication of a notice of such action in a newspaper having general circulation in the City of Stamford in accordance with Section 22a - 42a of the Connecticut General Statutes, and upon approval by the Stamford Board of Representatives in accordance with Article V, Section 6-24 C. of the Stamford Code.